Supreme Court, U.S.
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92-349
NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

REV. LEOPOLDO LEAL,
Individually and as Attorney in fact for
ADELMIRA RIOS, REV. SANTANA LEAL,
AMPARO McGUIRE, ADELFA HERNANDEZ,
REV. ONOFRE LEAL, REV. JOSE LEAL,
REV. OSCAR LEAL,

Petitioner,

Versus

SUN OIL COMPANY, ORYX ENERGY COMPANY,
THE STATE OF TEXAS, 92nd JUDICIAL
DISTRICT, AND OTHER UNKNOWN PERSONS,

Respondents,

PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE UNITED STATES

PETITION FOR A WRIT OF CERTIORARI

Rev. Leopoldo Leal
Petitioner
P.O. Box 7369
Corpus Christi, Texas 78415

QUESTIONS PRESENTED

1. May a State District Court void a Land Patent?

2. May a State District Court judicially approve a Petition for a partition by foreigners and in such Partition Action violate the United States Constitution, the Treaty of Guadalupe Hidalgo, and the Gadsden Treaty?

3. May the Court participate in a conspiracy of fraud by the petitioner, Mr. Esteban Garcia and his mother, with Sun Oil Co., and others?

4. May the Court forcibly evict the residents and owners of the land?

5. May Sun Oil Co., and others enter the violated land, and proceed to produce Oil, Gas, and other minerals, using bad, non-good, non-commercial, non-marketable and non-negotiable titles?

6. May Sun Oil Co., and The Garcias lease and sub-lease to others, giving the appearance of legitimacy?

7. May Mr. Esteban Garcia and Sun Oil Co., Adverse Possess 75 square miles of land at once, not homesteading it, or inheriting it, and not having legal titles, grants, or Land Patents?

8. May Sun Oil Co., in conjunction with Mr.Esteban Garcia, his mother, Mrs. Braulia Garza de Garcia, Manuel Martin Garcia, the 92nd District Court, and the State of Texas, perpetuate fraud and cover-up?

9. May a Patented Land be treated as a perpetuity for the process of probate by bad faith trespassers?

10. May the Plaintiffs, and now Petitioner, in good faith be denied discovery, access to the benefits of their

Oil, Gas and other minerals and to their heritage?

11. May the Courts ignore the persistent pleas of the plaintiffs for lawful relief?

12. May the United States District Court, Southern District, McAllen Division deny the plaintiff, the Constitutional judicial process, in denying this cause to be heard, and also deny the plaintiff his Constitutional rights to appeal to a superior court?

13. May the United States Court of Appeals, Fifth Circuit, deny the plaintiff, the right to an appeal, based on the action of the United States District Court, the legal manuever by the court of denying the Motion for specific findings, and allowing the 30-day period for appealing the case to expire, as the District

Court, and the Counsel for the defendants, employed this manuever to deprive the plaintiff his Constitutional guarantees, through the judicial process?

LIST OF PARTIES

The parties of this appeal are as follows:

The petitioner and attorney-in-fact is Rev. Leopoldo Leal, whose name and address appears on the front of this petition.

The respondents of this appeal are as follows:

The respondents are the Sun Oil Company, Oryx Energy Company, the State of Texas, the 92nd Judicial District and other unknown persons. The Sun Oil Company and Oryx Energy Company are represented by G. Luke Ashley, THOMPSON & KNIGHT, 3300 First City Bank Center,

1700 Pacific Avenue, Dallas, Texas 75201. The Governor of the State of Texas, the Texas Attorney General and the 92nd Judicial District are represented by Mary A. Keeney, Office of the Attorney General of Texas, Energy Division, P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548; and Gary L. Bledsoe, Assistant Attorney General, General Litigation Division, P.O. Box 12548, Capitol Station, Austin, Texas 78711.

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SUN OIL COMPANY, ORYX ENERGY COMPANY,
THE STATE OF TEXAS,
92nd JUDICIAL DISTRICT, AND
OTHER UNKNOWN PERSONS,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States.

Rev. Leopoldo Leal, the Petitioner herein, respectfully prays that a writ of

certiorari issue to review the judgment of the United States Court of Appeals, Fifth Circuit, entered on March 11, 1992.

The Petitioner submits that this cause is reviewable by this Honorable Court pursuant to the Consitutional provisions under Article III, Section 1, and Section 2 of Article III, and Amendment 14, which protects the basic rights of the Petitioner, those of "due process", and "equal protection of the laws".

The Petitioner requests this Honorable Court, to exercise its original jurisdiction, as guaranteed to the Petitioner by the United States Constitution, and issue a writ of mandamus compelling the Fifth Circuit Court of Appeals to review their hasty decision, as said decision violates not only the Constitutional rights of the Petitioner, but also the

United States Constitution, Land Grants, Land Patents, International Treaties, and the international laws that protect such treaties.

OPINIONS BELOW

The judgment of the Court of Appeals, Fifth Circuit, is for dismissal, as said court issued its judgment on March 11, 1992. This said court never reviewed the merits of this complaint, but instead, refused to grant an appeal, on the grounds that the period of time had elapsed to file a timely appeal, as the counsel for the Petitioner, was petitioning the lower court, the United States District Court, Southern District, McAllen Division, for a timely Motion for Specific Findings, for the purpose of filing an appeal, said lower District Court refused to grant such a motion, and stalled to the extent that the thirty day period

elapsed, and the United States Court of Appeals, thus deprived the Petitioner his Constitutional rights, as it refused to accept the appeal of the Petitioner.

There have occurred instances when under similar circumstances, an enlargement of time has been granted, for the purpose of filing an appeal, but in this case, the appeals court refused to hear this appeal.

Only after the Petitioner enquired with the appeals court about their refusal to grant an appeal, and the Petitioner explained of the criminal element that the Respondents were involved in, then the said appeals court changed their stand, and advised the Petitioner that the only remedy was to file for a writ of certiorari with the United States Supreme Court.

The United States Court of Appeals, Fifth Circuit, has cited numerous cases to which this said court uses to sustain the order for dismissal by the lower court, and therefore deny the appeal by the plaintiff. The cases used in reference to the denying the petition to appeal to the Fifth Circuit Court, these were cases which had been tried in a court of law, according to the judicial process, as guaranteed by the United States Constitution, and afterwards appealed. For the Fifth Circuit Court to cite this argument in denying the appeal, this is in error, as the references are out of context, pertaining to the present case, and represent half-truths, in light that the judicial process has been summarily denied to the plaintiff by the courts.

The Petitioner objects to the argument that the Fifth Circuit Court uses to deny the appeal, as it has no common grounds with the circumstances or the basis of this case, in that the Fifth Circuit Court ignored its judicial responsibilities, in upholding the statutes and provisions of the United States Constitution. The Court argues that jurisdiction is a matter of discretion to the court. The Petitioner objects to this point, and submits that this is in violation to the judiciary code of ethics. It would have been better stated by this court if it had said that if certain under-priviledged people sought the protection of the court, the court can discriminate against the one who does not conform to whatever are the interests of the bench.

In the haste of the United States Court of Appeals (Fifth Circuit) to deny the appeal, the Court failed to inquire to see if international treaties had been violated, as was the case here, or to inquire to see whether the Constitutional rights of the plaintiff had been violated, as was the case here, but instead, the court followed the flow of influence, and blindly dismissed the appeal. This is also in error.

The United States Appeals Court (Fifth Circuit) is in error when it assumes the position that all cases which involve actions by certain under-privilegded people against such entities as the State of Texas and Oil Conglumerates, such actions have no merit to be heard in this court. The court was aware that the District Judge, Ricardo

Hinojosa refused to grant the Motion for Specific Findings to Ascertain, for the purpose of filing an appeal, yet the Court never inquired to see if there existed a conflict with the mentioned judge to this case, but instead acted in collusion with the judge, who had a partial interest to the cause of the defendants. This is a grievous error by the United States Court of Appeals (Fifth Circuit).

Under the circumstances, the Appeals Court should have called for a hearing to ascertain the circumstances which prevented the counsel for the plaintiff to file a timely appeal. This is also an error by the Appeals Court.

The Appeal Court decided to suspend the Constitutional Judicial Process to the injured party, the plaintiff, at their whim simply because the lower court did not app-

rove to have this present case appealed. This is also in error.

Pertaining to the circumstances of the present case, when it was filed in the United States District Court, Southern District, McAllen Division, Federal Judge Ricardo Hinojosa never allowed any judicial action in behalf of the plaintiff, as nothing was ever done by the court to commence a court action and bring this controversy to a just conclusion.

In all the time that this case was in the docket of the District Court, Judge Hinojosa never called for a hearing, nor granted the plaintiff's Motions for Discovery, though the counsels for the Plaintiff had all the summons ready to be served.

Had discovery been allowed, the

judicial process would have been allowed to run its course so as to guarantee the plaintiff a just conclusion to this controversy. The court took no further action, until pressure from the defendants caused the court to dismiss this case, after the court and the defendants found out all that they could about the facts of the case pertaining to the plaintiff. The Petitioner submits to this Honorable Court, that the United States District Court, Southern District, McAllen Division, has made a mockery of the judicial system toward the plaintiff, and this is another error by the District Court, and subsequently, the Court of Appeals (Fifth Circuit).

Judge Hinojosa under-estimated the convictions and the claims of the Petitioner, who stands firmly by his

claims, as guaranteed by the United States Constitution, Land Grants, Land Patents, Land Patents, and treaties which protect the claims of the Petitioner.

Judge Ricardo Hinojosa has been a federal district judge since 1983, when he was sworn in as judge in May 21, 1983, and was described as the youngest judge in the nation. The late U.S. Senator, John Tower recommended him to the Senate Judiciary Commtittee.

Ricardo Hinojosa was 1968 graduate of Rio Grande High School, and recieved his bachelor's degree in government from the University of Texas and graduated from Harvard Law School in 1975. He was a partner in the Ewers-Toothaker law firm of McAllen until he resigned to take the federal bench. This law firm specialized in Oil and Gas law, and represented some of the most powerful Oil and Gas entities in South Texas.

JURISDICTION

The jurisdiction of this Honorable Court is invoked under Article III, Section 1. -- The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme Court and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office. Section 2. -- The judicial power shall extend to all cases, in law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;-to all

cases affecting ambassadors, other public ministers and consuls;-to all cases of admiralty and maritime jurisdiction;- to controversies between two or more states; (between a state and citizens of another state;) between citizens of different states;- between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, (citizens or subjects).

Further jurisdiction is invoked under Amendment 14, Sections 1 and 5, which address the civil rights of the Petitioner;-- those of due process and equal protection of the laws.

STATUTES INVOLVED

This case involves the scope and meaning of the United States Judiciary and Judicial Code, Title 28. The case

involves recognition of the same reference that the defendants used in the United States District Court, in their Motion for Dismissal, arguing against diversity of citizenship. The part of the reference that the defendants left out,--the part that a state is a citizen if the proceedings arise under the Constitution, laws and treaties of the United States, Ramada Inns, Inc. v. Rosemount Memorial Park Ass'n, C.A.N.J. 1979, 598 F. 2d 1303.

The Treaty of Guadalupe Hidalgo, Article viii, reads as follows, "Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they reside, or to remove at any time to the Mexican Republic, retaining the property

which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax or charge whatever.

Those who shall prefer in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who remain in the said territories after the expiration of that year, without having declared to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, the property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to its guarantees equally ample as if the same belonged to citizens of the United States."

The Gadsden Treaty, Article V., reads, "All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the Treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles

were herein again recited and set forth."

The violation of the rights of the Petitioner, as guaranteed by the Treaty of Guadalupe Hidalgo, protects the Petitioner as a property owner, and excludes foreigners from the protection of these guarantees. Mr. Esteban Garcia did not have title to the lands in question, or else he and the state court would not have had to evict the owners and heirs from their lands, but instead, Mr. Garcia and the defendants committed a gross violation of the said treaties, and the guarantees of the United States Constitution. For Mr. Garcia to have had an interest on the partitioning of these lands, he would have had to have been an American citizen, and for the Land Patent to protect his claims, he would have had to have been an American citizen, and for the Land Patent to

protect his claims, he would have been born in the United States. Mr. Garcia had no property rights under the land patent, as those rights were now reserved to the American citizen under the protection of the Texas Land Patent. The ancestry of Mr. Garcia is from Mexico, but the ancestry of the Petitioner has always resided in Texas, and died in Texas.

The defendants have invoked the statutes on limitation of time. There is not one single provision in the United States Constitution that can be cancelled by a Texas Limitation of Time Statute.

The action against Sun Oil Co. was initiated by the Petitioner on September 13, 1988, when Mrs. Mauricia B.Leal, filed a claim before the State of Texas, through the Texas Railroad Commission.

Soon afterwards, Sun Oil Co., changed their name to Oryx Energy Co.

Domicile at time of action is test, and jurisdiction once established is not lost by subsequent change of citizenship. Hawes v. Club Ecuestre El Comandante, C.A. Puerto Rico 1979, 598 F2d 698, as the entity announces reorganization plans, and now has gone into the stock market. This same entity also announced that the Pew Family is selling off 25% of its stock. In the October 4, 1991, edition of the Corpus Christi Caller Times newspaper in the Business Section, there appears the following statement, "Sun Co. of Radnor, Pa., a refiner and oil producer that is the former parent company of Oryx, announced Thursday that it plans to eliminate 900 jobs, abolish its real estate subsidiary, and take a $400 million

charge against earnings."

In the March 19, 1991 edition of the Corpus Christi Caller Times newspaper in the Business Section, the following statement appears, "Oryx Energy Co., will combine its Midland production offices into those in Oklahoma City, resulting in a staff reduction of 30 people, the company said Friday.

Oryx, the world's largest independent energy producer, said the consolidation will give its production division two regions of relatively equal size.

The northern region office, to be based in Oklahoma City, deals with most of Oryx's active wells and long-term reserves. The Gulf Coast region office, based in Houston, is the focus of the company's production strategy."

Effect fraud is voidable and

judicially cancelled.

An operator who enters upon land of another without authority and in bad faith is liable to the true owner for the value at the surface, the oil and gas produced, that is, without a credit for drilling and expenses.

It has been held, that a trespasser is in bad faith as a matter of law if he enters and drills after written notice of an adverse claim (that proves to be good) and after filing of a title suit. Houston Prod. Co. v. Mecom Oil Co., 62 S.W.2d 75 (Tex. Com. App. 1933).

A Land Patent is the highest evidence of title, Wright v. Roseberry, 121 US 488, 30 L Ed 1039, 7 S Ct 985; Irvine v. Irvine, 76 US 617, 19 L Ed 800; Raestle v. Whitson, 119 Ariz 524, 582 P2d 170; State v. Crawford, 13 Ariz App 225,

475 P2d 515; Solomon v. Sioux City, 243 Iowa 634, 51 NW2d 472; Dugas v Powell, 228 La 748, 84 So 2d 177; Bustamente v. Sena. 92 NM 72, 582 P2d 1285; State v. Valmont Plantations (Tex Civ App 4th Dist) 346 SW2d 853, affd 163 Tex 381, 355 SW2d 502.,and gives him legal seisin. Peyton v. Stith, 30 US 485, 8 L Ed 200; Barr v. Gratz's Heirs, 17 US 213,4L Ed 553; Tennis Coal Co. v. Sackett, 172 Ky 729, 190 SW 130; Overton' Heirs v. Davisson, 42 Va 211. It is variously characterized as "unassailable," Sanford v. Sanford, 139 US 642, 35 L Ed 290, 11 S Ct 666.,as conclusive evidence of legal title, Gibson v. Chouteau, 80 US 92, 20 L Ed 534; Bagnell v. Broderick, 38 US 436, 10 L Ed 235. and as at least "prima facie valid in actions at law." Johnson v. Drew, 34 Fla 130, 15 So 780, affd 171 US 93, 43 L Ed 88,

18 S Ct 800. It is a prima facie valid, and the burden of proving its invalidity is on the one attacking it. State v. Crawford, 13 Ariz App 225, 475 P2d 515.

There is a settled presumption that a patent is valid and passes the legal title. United States v. Marshall Silver Mining Co., 129 US 579, 32 L Ed 734, 9 S Ct 343; Maxwell Land-Grant Case, 121 US 325, 30 L Ed 949, 7S Ct 1015, reh den 122 US 365, 30 L Ed 1211, 7S Ct 1271; State v. Nichols, 241 Iowa 952, 44 NW2d 49; Murray v. State, 226 Kan 26, 596 P2d 805; Martinez v. Mundy, 61 NM 87, 295 P2d 209 (ovrid on other grounds Evans Financial Corp. v. Strasser, 99 NM 788, 664 P2d 980). As a deed, its operation is that of a quitclaim, or rather of a conveyance of such interest as the United States possessed in the land. Wilson Cypress Co.

v. Del Pozo y Marcos, 236 US 635, 59 L Ed 758, 35 S Ct 446; Jefferis v. East Omaha Land Co., 134 US 178, 33 L Ed 872, 10 S Ct 518; Anchorage v. Nesbett (Alaska) 530 P2d 1324.

The description in a patent is exclusive evidence of the land conveyed. Ames v. Irvine Co. (4th Dist) 246 Cal App 2d 832, 55 Cal Rptr 180, cert den 388 US 910, 18 L Ed 2d 1348, 87 S Ct 2115.

The same general principles have been applied in fabor of a bona fide purchaser of land under a confirmed Mexican grant to whom the government issued a land patent, after a decision in his favor by the public land officers, as against one claiming the lands by pre-emption. Hays v. Steiger, 156 US 387, 39 L Ed 463, 15 S Ct 412. Pursuant to these general rules, to the extent that senior and ju-

nior grants lap, the latter are void, and pass no right to the junior patentees, Altemus v. Nichols, 115 Ky 506, 74 SW 221.

The holder of a legal title in bad faith must always yield to a superior equity resting in one who had acquired a a prior right from the United States in force when his purchase was made under which his patent issued. Widdicombe v. Childers, 124 US 400,31 L Ed 427, 8 S Ct 517; Miller v. Dale, 92 US 473, 23 L Ed 735.

Thus, where one obtains a patent for land from the United States through fraud or concealment, a court of equity will regard him as a trustee for those who are equitably entitled to the land, Daniels v. Johnson 237 US 568, 59 L Ed 1110, 35 S Ct 748; Hedrick v. Atchison, T.&S.F.R.Co. 167 US 673, 42 L Ed 320, 17 S Ct 922;

Kennedy v. Morrow, 77 Ariz 152, 268 P2d 326; Forbes v. Hall, 34 159; Groves' Heirs v. Fulsome, 16 Mo 543; Fearnow v. Jones, 34 Okla 694, 126 P 1015; Loney v. Scott, 57 Or 378, 112 P 172, and will compel him to convey the legal title to the true owner. Monroe Cattle Co. v. Becker, 147 US 47, 37 L Ed 72, 13 S Ct 217; Carman v. Johnson, 20 Mo 108.

The State is a naked trustee of legal title, which it is bound to convey to such equitable owner on demand, and it has no right thereafter to sell and convey the land to another. Lamprey v. Mead, 54 Minn 290, 55 NW 1132.

A patent granted by the state is the completion of the legal title. Green v. Liter, 12 US 229, 3 L Ed 545 (ovrid on other grounds Inglis v. Trustees of Sailor's Snug Harbor, 28 US 99, 7 L Ed 617);

Burton Swartz Cypress Co. v. Baker-Wakefield Cypress Co., 163 La 992, 113 So So 219; Ryczkowski v. Chelsea Title & Guaranty Co., 85 Nev 37, 449 P2d 261; Cagle v. Sabine Valley Timber & Lumber Co., 109 Tex 178, 202 SW 942. 6 ALR 1426. When the seal of the state appears together with the signatures of the governor and secretary of state on an instrument, it is presumed to be genuine. Cofield v McClelland, 83 US 331, 21 L Ed 339; Richards v. W.M. Ritter Lumber Co., 158 NC 54, 73 SE 485, mod on reh on other grounds 159 NC 455, 74 SE 1016.

Generally, a land grant is a contract, within the protection of the Federal Constitution. Appleby v. New York, 271 US 364, 70 L Ed 992, 46 S Ct 569; Franklin County Grammar School v. Bailey, 62 Vt 467, 20 A 820; Lassly v.Fontaine, 14 Va 146. It is protected by the Constitu-

tion the same as a contract between private parties. Columbia R., Gas & Electric Co. v. South Carolina, 261 US 236, 67 L Ed 629, 43 S Ct 306; Winter v. Jones, 10 Ga 190.

The United States has the same remedy in a court of equity to set aside or annul a patent for land, on the ground of fraud in procuring its issue, as an individual would have in regard to his own deed procured under similar circumstances. United States v. Minor, 114 US 233, 29 L Ed 110, 5 S Ct 836.

An instrument, even though recorded may be improperly executed or acknowledged and therefore inadmissible in evidence notwithstanding the fact that it may have constituted an effective conveyance as between the parties. A marketable title requires that such instrument in the chain of title be so executed and acknowledged as

to be introduced in evidence.

Rules of evidence have been developed with the intended purpose of permitting an owner to prove his title from the public records and to do so as simply and expeditiously as possible, consistent with a policy of affording reasonable protection to others who may have an interest on the property.

The United States Constitution does not allow the unlawful confiscation of private property, and most certainly, it does not allow non-citizens to evict, American citizens from their property, with the assistance of Oil conglumerates financing such undertaking.

The United States Naturalization and Immigration Services deports alien criminals, after they have served their time, in the commission of a felony.

The argument that the Respondents

use in defending the claims of the alien who Sun Oil Co., claims has the titles to these lands is appalling and disgusting, and has no place in the American legal system. The only reasonable explanation to this controversy, is that the Respondents are involved in a horrible criminal conspiracy cover-up, as was the nazi regime concerning the exterminated Jews.

The ends do not justify the means, and might is not right. This could have only happened in Texas, as this state takes great pain and expense to protect unlawful actions of these people.

STATEMENT OF THE CASE

The United States Court of Appeals (Fifth Circuit), and the United States District Court, Southern, McAllen Division has denied the Petitioner all his rights as protected by the United States Constitution and international treaties which are the prima facie force that brings this controversy before this Honorable Court.

The issue in this controversy is that the Respondents have unlawfully confiscated the private property of the Petitioner, and in turn have violated the Constitutional provisions which guarantee the Petitioner his rights based on the Treaty of Guadalupe Hidalgo, the Gadsden Treaty, the Texas Land Patent, as registered in the Texas Land Office in Austin, Texas, and the Spanish Land Grants, which are the original prima

facie titles to the lands in question. The lands were deeded by the Spanish government and the Spanish Monarchy to the Longoria Family and were patented in 1854 to the Longorias and their heirs--FOREVER. The State of Texas has described these lands as abandoned lands for the purpose of spending the funds that are escheated to the state treasury, as the state will not allow anyone to claim such funds. There may seem a contradiction, but there are maps which show that while the Garcias own the lands in question, according to the Respondents, the state also profits from this arrangement.There is a collusion between the state and the parties profitting from the mentioned lands.

On September 13, 1988, Mrs. Mauricia B. Leal, having given Power of Attorney to Her son, the Petitioner, Rev. Leopoldo Leal,

(such instrument is registered in the Nueces County, Texas, Courthouse, in the city of Corpus Christi, Texas, and in the Hidalgo County, Texas, Courthouse in the city of Edinburg, Texas); Her son speaking in Her behalf, showed to the State of Texas and the Office of the Texas Attorney General through the state agency which has jurisdiction on these matters, the Texas Railroad Commission, absolute proof, based, as the law requires, on legal instruments entirely, -----Her lawful claims of ownership of all the Longoria Porciones, located in Starr County, Texas.

The late Mrs. Mauricia B. Leal, now deceased, as She answered the Call of The Lord, on October 27, 1989, charged that Sun Oil Co., was a BAD FAITH TRESPASSER, and had no lawful rights to Her lands. as the Oil entity used unlawful means to obtain entry and exploit Her lands. She

further claimed that all the oil, gas, and other minerals were Hers, and all Real property, and laid claim to the only prima facie title to these lands, the Texas Land Patent, and the Spanish Land Grants deeded to Her ancestors by the Spanish Monarchy.

The Texas Railroad Commission, a state agency under the jurisdiction of the Attorney General, and said agency, with jurisdiction in these kinds of matters, sent a letter to Sun Exploration and Production Co., of Dallas, Texas, and requested the said entity to explain what rights they had to be operating in the Longoria Porciones.

A copy of the response was sent to Rev. Leopoldo Leal, in which Sun Oil Co., states that a partition action in the 92nd State District Court in Hidalgo County, was drawn up, which gave sole ownership of these lands to a Mr. Esteban Garcia, a Mexican national,

who never became an American citizen, from Camargo, Tamualipas, Mexico, and his mother, Mrs. Braulia Garza de Garcia, a Mexican citizen from Monterrey, and now buried there. The oil entity claims that there were three (3) partition actions in state court, and those court action give the mentioned Garcia family the Longoria Lands.

The partition plan that Sun Oil Co., drew up and financed, was a means of oppression to the lawful owners and heirs, as the state court, with no Constitutional authority, issued orders to forcibly evict the lawful tenants from their lands, and backdated these orders so that when they were served on the victims, those who disobeyed were exterminated on the spot.

There has never been any discovery allowed by the United States Court of Appeals (Fifth Circuit), or the United States District Court, Southern District, McAllen Division,

but the Petitioner has a copy of the response Sun Oil Co., sent to the Texas Railroad Commission, where Sun Oil Co., under penalty of perjury, states that the partitions that it financed, are the only titles that they have to the lands in question. Some of the partition papers shown as the titles by those in the Garcia clan who attempt to discourage their followers do not have any signature of any judge, as the only seal and signature is that of the secretary working for the Sun Oil Co., office in Dallas, Texas. With all its inconsistencies and treaty violations, the partition plan is a fabrication with no judicial integrity.

The Petitioner possesses a copy of the death certificate of this Mr. Esteban Garcia, which shows that Mr. Garcia was a Mexican citizen, and never became an American citizen. Such death certificate shows

that Mr. Garcia is now buried in Camargo, Tamaulipas, Mexico. Mr. Esteban Garcia was the son of Amancio Garcia, Sr., father, and Mrs. Braulia Garza de Garcia. Both parents were citizens of Mexico.

The Petitioner has certified copies of the trial transcripts of when this same Mr. Esteban Garcia shot and killed Mr. Santos Rivera, an unarmed crippled man, in Rio Grande City, Texas, in 1923. The immigration laws dictated that an alien who has committed a felony be deported after serving his sentence, as Mr. Esteban Garcia was not an American citizen, but instead, Sun Oil Co., years later awarded this individual all the Longoria Lands, and then, other additional Porciones, to which there are no court records that this individual and entity had any claims to such lands, except, that the State of Texas, and the Texas Rangers, made their own laws, outside of the courts.

Since Mr. Esteban Garcia had a free reign to heap terror and havoc on the unfortunate, the attorneys for the entities who used him, always defended him in court.

The Petitioner has the certified trial transcripts, of when this same Mr. Esteban Garcia, shot and killed and was charged with murder with malice, in the execution style murder of the Chief of Police of the State of Nuevo Leon(headquartered in Monterrey), Mexico, General Heron Ramirez, in 1949, in McAllen, Texas, as the General was ambushed, the unarmed General, in full military uniform, was getting out of his car, he had been cited to a meeting at the house of a Mr. Guerra, as the General was arriving, Mr. Garcia ambushed him and unloaded a 38 caliber revolver into the General. Four bullets fatally struck the General. The Petitioner has copies of most of the 1949 editions

of South Texas newspapers that carried the story of this horrible murder, and the striking thing that stands out, is the fact that a motive was never established, nor did the suspect ever spend any time in jail, except for fingerprinting and booking. Had Esteban Garcia been deported to Mexico for the murder of General Heron Ramirez, Mr. Garcia would have been executed before a firing squad.

The Petitioner has certified copies of maps, from the mapping department of the Texas Railroad Commission, which show all the Longoria Porciones, as surveyed, and all these lands are now registered not as belonging to any Longoria heir, but instead, the names such as Garcias Oil Field, Braulias Oil Field, Garciasville, M.M. Garcia Land Tracts, Esteban Garcia Land Tracts, Dr. J.G. Garcia Tracts, and on and on, to the extent that these names and labels appear on other

Porciones adjacent to the Longoria Porciones, to which there are no recorded court actions, that gave Sun Oil Co., and the Garcia clan access and title to these lands.

There is not one legitimate Longoria owner and/or heir as having an interest in these lands, those with a squatters interest in these lands are the heirs of Esteban Garcia, since to allow a true legitimate Longoria heir to have an interest in any of these lands, that would entitle the heir to claim ownership to the Land Patent, as prescribed by law.

There is no evidence that any entity which has an interest in these lands, is operating and has entered legitimatedly into these lands, as Sun Oil Co., and the Garcia clan are alledged to own the titles.

Most of the roads in these lands have posted signs, and are off-limits to the public. There is a warning that travel is

prohibited. There are claims that the Texas Rangers guard these lands day and night to the extent that on occasions, the agents working for the United States Drug Enforcement Administration, are not allowed access into the national border area to patrol against drug traffickers.

A report was issued by the United States Drug Enforcement Administration, through the CBS Television Network, in which Ed Bradley, Television Reporter, reports that over 40% of all public officials in Starr County, are involved in the illegal drug trafficking trade. There is much evidence that the Garcia clan is the gang known on both sides of the border as the Garcia Mexican Mafia, and use the Longoria Lands as a port of entry for the illegal drug trade into South Texas, and these drug go north, especially through the Sarita Checkpoint, near Falfurrias,

Texas, as the government reports record number of illegal shipments through it,

these drugs are transported with shipments of fruits and vegetables. The name of the onion company on the Longoria Lands is Valley Onion Co.

The same Garcia Family owns the lands on the south bank of the Rio Grande River on the Mexican side. These lands are known as parcelas of land (parcels of land).

It is claimed in Mexico, that these parcelas are used as an exit point out of Mexico, and the Longoria Lands are used as a Port of entry into the United States. It is also claimed that agents from state agencies, such as the Texas Rangers, cross into Mexico, and drive their vans and Suburbans into orchards right next to a long hill, between Camargo and the border, and load up. The DEA was NEVER implicated in

these unlawful activities, but the Texas Rangers were. All this was reported to the Texas Attorney General by the Petitioner, after his return from his research trips into Mexico. The State Attorney General ignored the information, and the Petitioner.

The Petitioner spent considerable time in Mexico, in the preparation for the suit that at the time was filed in the United States District Court, Southern District, McAllen Division, and tried to find out as much as possible about the Garcia clan. This is how the Petitioner came across this shocking information. I don't aid and abett criminals, so therefore all this was reported to the chief law enforcer in the state. My hands are clean.

It is claimed in Mexico, that a direct relative of Esteban Garcia, a Mr. Amancio Garcia, from Camargo, Tamaulipas, Mexico,

was killed by the Mexican National Police, (the Mexican Army), stationed in Nuevo Laredo, Mexico, when he resisted arrest in a drug deal gone sour, near Lake Asucar, at Los Comales, near Camargo, Tamaulipas, Mexico, a few years ago.

The United States Constitution does not grant states the power to violate and/or revoke and desecrate international treaties, as the Treaty of Guadalupe Hidalgo was grossly violated, as the said treaty guarantee the Spanish-American who was a resident and owner of patented lands as of 1854, and their heirs, all the protection of the United States Constitution. These provisions are directed at the native-born American citizen, and excludes non-citizens from Mexico, such as Mr. Esteban Garcia and his mother, to confiscate private property from American citizens, and through the court system, forcibly evict, murder, and/or use whatever

means necessary to dispossess American citizens from their lands. Mexicans do not have any basis to claim lands in Texas, based on The Texas Land Patent. Americans are not allowed to claim lands in Mexico, though their ancestors might have been from Mexico, unless they have title to the land, no Mexican citizen can claim lands in Texas under the protection of the land patent. No Mexican citizen has any right to claim land in the United States, unless he pays for the land.

Though Texas was a part of Mexico after Spain was overthrown by the Mexicans, the original Spaniards, and their heirs, the Spaniard American, is the owner of the land patent. The Spaniard American has never revolted against the United States Government.

While the Spaniard American has been treated like dirt, he remains loyal to his country, though he has been deprived of his

Constitutional Rights and has been robbed of his properties. As a parallel, no Russian citizen can claim lands in Alaska, though Alaska was part of the Russian Empire, yet these Mexicans, with their horrible criminal records, are claiming title to lands in Texas, based on the land patent.

Sun Oil Co., has argued on diversity of citizenship. Sun Oil Co., and Oryx Energy Co., is the same entity and operates in several states under different names and labels, as to hide from the prosecution of a court action. This entity is registered as a Delaware Corporation, with its headquarters in Pennsylvania. Moody Industrial Journal reports that it is the world's largest independent oil and gas producer, with assets in the tens of billions of dollars. The Pews, a German family from Pennsylvania, employed German terror tactics, similar to Hitler's and were responsible for the atrocities against

the petitioner and family---to dispossess them from their lawful land. The Pew family were not wealthy, until they came to Texas, but amassed a fortune in the tens of billions of dollars, and went on to build the largest independent oil and gas producing conglumarate in the world, Sun Oil Co., as this entity now operates worldwide. Sun Oil Co., would want this Honorable Court, the United States Supreme Court, to believe that it, Sun Oil Co., now under the label of Oryx Energy Co., is a little oil company in Texas, and that it is barely making ends meet. That is utter nonsense. Before this present action by the Petitioner, Sun Oil Co., was bragging to the world of their financial might, and all of a sudden, they are now adopting the broken wing injured bird syndrome, and now attempt to get the pity of the Court,

and pity is something that they have never shown to the Longorias.

Sun Oil Co., has announced intentions to reorganize so as to prevent a final judgment by the Highest Court in the land, in favor of the Petitioner.

The Issue in this controversy is not who owns the prima facie titles to the lands in question, as that fact has been lawfully presented to the authorities by the Petitioner.

Instead, the issue is that the Respondents have shown disdain and total disrespect, and disregard for the Constitutional Rights of the Petitioner, and have Knowingly violated the afore mentioned treaties and statutes, and refuse to obey and respect the said provisions that the Constitution of the United States provide to the Petitioner, and in turn they violate federal laws.

The counsel for the State of Texas, Mary A. Keeney has made some very strong statements to the lower courts, in the state's Motions for Dismissal. In one of the briefs, this skillful attorney proclaimed to the court, that the Partition Order of the 92nd State District Court, was the prima-facie title to the lands in question. Ms. Keeney neglected to check into the credibility of the county clerk, who furnished Sun Oil Co., the names of the people who were used in the partition order.

Mr. Oscar Kirkland, and County Commissioner W. L. Lipscomb had been indicted and convicted for tampering with deed records, and Mr Lipscomb was sentenced to ten years in prison. Mr. Kirkland was heavily fined and banned from ever holding public office, as they were changing the names in

that sometimes they would add names, sometimes they would remove names, and sometimes they would deliberatedly mis-spell names so that the lawful heirs and owners who were alive at the time, their names were removed from the court records. When Mr. Kirkland was defeated for re-election, the man who took his place, Mr. John Lawton Stone noticed the irregularities and exposed the scheme to the authorities.

After this incident, Sun Oil Co., used the Kirkland list to draw up the Partition Order. Mr. Kirkland was paid $ 2,418.00

The Petitioner takes notice of this counsel, Mary A. Keeney, who has made blind statements to the lower courts which she cannot substantiate with facts. Because of this person, the Judicial Process, and the Constitutional Rights have been denied to the Petitioner, as this most vocal person

approves of the conduct of the Respondents, and blindly pleads before the courts to suspend the Constitutional Rights of the Petitioner.

The lower courts have conveniently listened to the pleadings of the mentioned attorney, even though land patents, land grants, and federal and international laws have been violated.

These lower courts neglected to acknowledge the fact, that the Constitution of the United States mandates the courts to uphold ALL provisions of international treaties, and no court in the land has jurisdiction to revoke the international laws that protect the provisions of such treaties. To classify a complaint by an injured individual who is protected by these laws as malicious and frivilous, is unlawful, and only shows the

true intent and conviction of the bench, in relation to discrimination at its lowest form. The United States Constitution affords the Petitioner the same rights that were denied to the Jewish People by the nazi regime, during the Hitler era. The Petitioner submits to this Honorable Court that any and all action by a court of the land to not honor the rights of an American citizen based on the provisions of all the mentioned grants, land patents, treaties, and the Constitution, is unlawful, unconstitutional, and ungodly.

The Spaniard American has summarily been a non-person, as were the Jews, and the time has come when it must change.

The Spaniard American has been deprived of life, liberty, and the pursuit of happiness, as guaranteed by the United States Constitution, while entities such as the

Respondents act unlawfully toward the Petitioner, thinking that no court in the land has the courage to stand up to them and protect the rights of the Petitioner. The Petitioner is very aware that he is at a pro se disadvantage before this Honorable Court, and that only Divine Providence assists him in his struggle for justice. The only tools provided to him, are the truth, evidence, the laws, the provisions of the mentioned treaties, grants, and land patents, and the provisions of the United States Constitution, and common sense. Only one thing is guaranteed to the Petitioner, and it is that the truth about this whole conspiracy will finally come out, as there is nothing hidden that shall not come out to the light.

While the Respondents scream," Remember the Alamo," it should be pointed out that the Spaniard American was not involved in

that encounter, as the struggle was between the Anglo and the Mexican Army. The Spaniard had been living in Texas forseveral centuries and had no quarrel with either of the parties involved in that encounter. It was the State of Texas, with the assistance of the Texas Rangers who later massacred the Spanish Land owners, and then imported illegal aliens to squat on lands which had Spanish deeds.

The Respondents are now trying to get a clear title for the Longoria Lands, and probate the estate of the now deceased Esteban Garcia. In the process, they are attempting to get a release from any and all potential heirs to the mentioned lands.

A massive campaign of media mis-information is being carried out by those who have an interest in the Longoria Lands, as newspapers in South Texas have printed myths and stories about a huge escrow fund, that

is reserved to the Longoria heirs, if they apply to Sun Oil Co., and in turn sign a release rejecting all claims to title to the Longoria Lands, and accept the Partition Order of the 92nd State District Court, as the prima facie title to these lands.

Public libraries have been used by the legal staff of Sun Oil Co., where the Spanish American Genealogy Association, SAGA, headed by the daughter of the late Dr. J.G. Garcia, Corpus Christi, Texas, Dr. Clotilde Garcia, M.D., a physician, who has vast interests in the Longoria Lands, as she inherited the interests of her father in these lands, hold meetings to lure the potential heirs to sign a release from the parties involved in this scheme. Dr. Clotilde Garcia is the mother of former United States Attorney for the Southern District of Texas during the Carter Administration, Mr. Tony

Canales, and Mr. Canales, and the Sun Oil legal staff advise Dr. Clotilde Garcia in how to go about with this scheme.

While the Respondents accuse the Petitioner of being malicious and frivilous in his actions, they ignore their malice in the scheme that they have employed against innocent victims that are being decieved so that these people can accomplish their greedy goals.

The Petitioner submits to this Honorable Court that the mentioned conduct of these people is unlawful, and warrants criminal prosecution.

REASONS FOR GRANTING THE WRIT

On Septmber 29, 1988, Sun Exploration and Production Company, sent a reply to the Texas Railroad Commision, addressed to the senior attorney of the legal staff, Mr.

Andrew Taylor, Legal Division, and rejected all the lawful claims of ownership of the Longoria Lands, made by Mrs. Mauricia B. Leal, based on the Texas Land Patent. The Land Patent is registered in the Texas Land Office, to Longoria Porciones 93, 94, and 95.

Sun Oil Company rejected the claims of Mrs. Leal, and brought out the Partition Order of the 92nd District Court as the only titles to these lands.

On page two (2) paragraph 3, Sun Oil Co., writes as follows," Mr. Leal included a page from the partition order which tends to show his ancestors recieved share 77 in the partition". Sun Oil Co., was acknowledging that the late Mrs. Roca Longoria Torres was an heir and owner of the Texas Land Patent for the Longoria Lands. She was born near La Grulla, Texas, in the Longoria Lands, and

the Petitioner can substantiate this claim with a legal document.

Her daughter, the late Mrs. Victoria Longoria Torres de Barrera(1893-1971) was the mother of Mrs. Mauricia B. Leal(1909-1989), and Mrs. Leal was the provider for Her mother and grandmother in Beeville, Texas. Mrs. Roca Longoria Torres was born in 1866, and died in 1950, and was part of the Leal family at the time of her death.

When the first of the Longoria clan were unlawfully evicted from their inhertance, the 92nd District Court issued retroactive eviction orders, backdated, so that the victim had to leave at the time that the order was presented to the intended, and many who refused to leave their lands were executed on the spot.

A few were offered money, $7.50, to sell their interests, and most refused the

money, so the land was sold at public auction for around $32,000.00, and then it was claimed that the land had been partitioned, to the surprise of many Longorias.

The Texas Rangers and the State of Texas allowed illegal aliens to squat on these lands, in an effort to give it the appearance of legitimacy, and went on to enter into leases and sub-leases with these aliens, in conjunction with Sun Oil Co., and have violated the Texas Land Patent, the United States Constitution, and the mentioned treaties by their actions.

At the time of Spindletop in East Texas, it was discovered that one of the greatest oil and gas reserves were under the Longoria Lands, and soon afterwards, the mentioned entities, like vultures descended on the poor victims, the owners of the Longoria Lands. Kuwait and Saudi

Arabia have similar reserves, so that is why Texas is so prosperous, as it has victimized the Longoria Heirs in the process of becoming one of the most prosperous states in the Union.

If justice had been done to the Petitioner, and discovery had been allowed by the lower courts, the fact that Mr. Esteban Garcia did not have a legal basis to partition the Longoria Lands, would have been presented to the courts.

If discovery had been allowed, the Texas Attorney General would have had to explain what ties and connections he had to a Mr. Jose Antonio Morales Garcia, one of the principal recepients of benefits from Sun Oil Co.,, since this individual had vast interests in the partitioned lands. Mr. Morales would have had to notify the Plaintiff, and now Petitioner, that the law

firm that employed him before he was elected Texas Attorney General, had a client that he represented, that had vast interests in the Longoria Lands, Valero Energy Co.,(Coastal States), as this entity refines Oil and Gas from these lands at its Corpus Christi, Texas refinery. Mr. Morales would have had to notify his sub-ordinate, Mary A. Keeney. that he had a conflict of interest towards the defendants.

Thinking that all the original lawful heirs and owners to the land patent were dead, Sun Oil Co., was unexpectedly caught off-guard, when Mrs Mauricia B. Leal made Her lawful claims to the State of Texas, and the world.

Sun Oil Co., immediatedly changed their name to Oryx Energy Co., in an attempt to hide from the prosecution of a court action.

The Petitioner has brought to the att-

ention numerous points of errors by the Appeals Court(Fifth Circuit), and the District Court for the Southern District of Texas.

These courts condone the actions of the Respondents, the Partition Order of the 92nd District Court, and the sale of the Longoria Lands at public auction, and the violating of federal and international laws.

The effectiveness of transfers made pursuant to a judicial decree depends upon the validity of the proceedings finally leading up to the decree ordering a sale or other disposition of property.

The Petitioner submits to this Honorable Court, that all the actions by the Respondents in this cause, are unlawful and unconstitutional.

The Petitioner, therefore petitions this

Honorable Court to exercise its original jurisdiction, as the Constitution requieres and assume the role of a Court of Equity, and order a judicial decree, a writ of mandamus, to provide relief to the injured party, and order the Respondents to return all that has been unlawfully taken from the Petitioner.

Even though a state's relevant law is unclear, or difficult to ascertain, it is the duty of this Court to render a decision by apprehending the results that a state court has reached, and where relevant law is interstitial, the Federal Court may look for guidance to such sources as restatements of laws, treaties, law review commentaries and majority rule. American Record Pressing Co. v. U.S. Fidelity & Guarantee Co. D.C.N.Y., 1979, 466 F. SUPP. 1373.

The Respondents claim that the charges

are malicious, and frivilous, since they cannot justify their actions before any court in the land, their only recourse is to deny the Petitioner his Constitutional Rights.

The United States Supreme Court, on June 29, 1992, issued a ruling, which states that compensation must be provided to the property owner when government regulations strip their land of economic value. The United States Supreme Court has ruled that states may not automatically deny property owners compensation when they enact new rules to protect public interest and the environment.

" When... a regulation that declares off-limits all economically productive or beneficial uses of land goes beyond what the relevant background principles would dictate, compensation must be paid to sus-

tain it," the Court ruled.

The Court went on, " When the Owner of real property has been called upon to sacrifice all economically beneficial uses in the name of common good.... he has suffered a taking" and must be compensated".

When the Respondents cannot justify their actions before this Honorable Court, but insist that the judicial process be denied to the Petitioner as a means to prevail, the Respondents are acknowledging their guilt.

CONCLUSION

Wherefore, the Petitioner of this cause, Rev. Leopoldo Leal, respectfully prays that a writ of certiorari be granted.

Respectfully Submitted,

Reverend Leopoldo Leal
P.O. Box 7369
Corpus Christi, Texas
78415

APPENDIX A - Fifth Circuit APPEAL DISMISSAL
-Brown, Johnson, and Jolly

Filed March 11, 1992.

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7044
USDC No. M-90-CA-145

LEOPOLDO LEAL, Rev.,
Individually and as
Attorney in Fact, ET AL.,

Plaintiffs,

LEOPOLDO LEAL, Rev.,
Individually and as
Attorney in Fact,

Plaintiff-Appellant,

versus

SUN OIL CO., ET AL.,

Defendants- Appellees,

Appeal from the United States District Court for the Southern District of Texas

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Before BROWN, JOHNSON, and JOLLY, Circuit Judges.

BY THE COURT:

This Court must examine the basis of its jurisdiction on its own motion if necessary, Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). Rule 4 (a)(1), Fed. R.P., requieres that the notice of appeal in a civil action be filed within 30 days of entry of the judgment or order from which appeal is taken. The district court entered an order dismissing this civil action on October 16, 1991. Therefore, the final day for filing a timely notice of appeal was November 15, 1991. The plaintiff filed a notice of appeal on January 6, 1992, sta-

ting that appeal is taken from the October 16, 1991, judgment. The plaintiff's notice of appeal is therefore untimely.

The plaintiff's motion for specific findings has no effect on the determination of the timeliness of the notice of appeal. The serving of a Fed. R. Civ. P. 59(e) motion extends the time for appeal so that the time begins to run when the motion is ruled on. See Fed. R. App. P. 4(a)(4); Harcon Barge Co. v. D & G Boat Rentals, Inc., 784 F 2d 665, 667 (5Cir) (en banc), cert. denied, 479 U.S. 930 (1986). However, in this case, the motion was served on November 7, 1991, beyond the 10-day limit which expired on October 30, 1991, and therefore it did not have the effect of suspending the time for noticing an appeal. The time limitation for filing an appeal is jurisdictional, and

the lack of a timely notice mandates dismissal of the appeal, Robbins v. Maggio, 750 F, 2d 405, 408 (5th Cir. 1985).

APPEAL DISMISSED.

APPENDIX B The following is the order to dismiss by the United States District Court, Southern District, McAllen Division, filed October 16, 1991

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

REV. LEOPOLDO LEAL, Individually and as Attorney in Fact for ADELMIRA RIOS, REV. SANTANA LEAL, AMPARO McGUIRE, ADELFA HERNANDEZ, REV. ONOFRE LEAL, REV. JOSE LEAL, REV. OSCAR LEAL,	)	CIVIL ACTION NUMBER: M-90-145
VS.	)	
SUN OIL COMPANY, ORYX ENERGY COMPANY, THE STATE OF TEXAS, 92 ND JUDICIAL DISTRICT, AND OTHER UNKNOWN PERSONS,	)	

ORDER OF DISMISSAL

On this date came on to be heard the Motions to Dismiss of Defendant 92nd Judicial District, Defendant the State of Texas and Defendant Oryx Energy Company on Behalf of Sun Oil Company and Oryx

Energy Company and the Court after considering said Motions and pleadings on file is of the opinion that said Motions should be granted. It is, therefore,

ORDERED, ADJUDGED and DECREED the Motions to Dismiss of Defendant 92nd Judicial District Court, Defendant the State of Texas and Defendant Oryx Energy Company on Behalf of Sun Oil Company are GRANTED and this cause of action against said Defendants is DISMISSED with costs taxed against Plaintiffs.

The Clerk shall send a copy of this Order of Dismissal to counsel for the parties.

Done on this 14th day of October, 1991, at McAllen, Texas.

Ricardo H. Hinojosa
UNITED STATES DISTRICT JUDGE

APPENDIX C Jurisdiction of Trial Court and Fifth Circuit Court of Appeal.

The following is a statement by the counsel for the plaintiff, after Judge Hinojosa denied the said Motions for Specific Findings.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

REV. LEOPOLDO LEAL, Individually and as Attorney in Fact for ADELMIRA RIOS, REV. SANTANA LEAL, AMPARO McGUIRE, ADELFA HERNANDEZ, REV. ONOFRE LEAL, REV. JOSE LEAL, REV. OSCAR LEAL,	Civil Action Number M-90-145
VS.	
SUN OIL COMPANY, ORYX ENERGY COMPANY, THE STATE OF TEXAS, 92 nd JUDICIAL DISTRICT, AND OTHER UNKNOWN PERSONS.	

JURISDICTIONAL STATEMENT

Jurisdiction of Trial Court And Fifth CIRCUIT COURT of APPEALS

The U.S. District Court for the South-

ern District of Texas, McAllen Division has jurisdiction of the above- referenced case because of diversity of citizenship and a federal issue involving 42 U.S.C. 1981, 1982, and 1983.

The citizenship of each party is Plaintiff: Texas; Sun Oil Company: Delaware; Oryx Energy Company: Delaware. Both corporate Defendants have their principal place of business in the State of Texas.

Damages in the said case exceed One Billion Dollars. The Fifth Circuit Court of Appeals has jurisdiction of all appeals from the U. S. District Court for the Southern District of Texas, McAllen,

SIGNIFICANT FILING DATES

Order of dismissal by Judge Hinojosa
October 16, 1991

Motion for Specific Findings
November 12, 1991

Motion Denied
December 3, 1991

Motion for Specific Findings
(Refiled with corrections)
December 26, 1991

Notice of Appeal
January 2, 1992

Respectfully submitted,

_____
Elaine Parran Boyd